

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	96 C 1122	DATE	9/9/2002
CASE TITLE	Builders Association etc. Vs. City of Chicago		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

## Memorandum Opinion and Order

**DOCKET ENTRY:**

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant moves for leave to amend responses to certain requests for admissions. That motion is granted, but with a caveat.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.		number of notices	<b>Document Number</b>  <div style="font-size: 2em;">371</div>
<input type="checkbox"/>	No notices required.		SEP 10 2002	
<input type="checkbox"/>	Notices mailed by judge's staff.		date docketed	
<input type="checkbox"/>	Notified counsel by telephone.		WB docketing deputy initials	
<input checked="" type="checkbox"/>	Docketing to mail notices.		date mailed notice	
<input type="checkbox"/>	Mail AO 450 form.		mailing deputy initials	
<input type="checkbox"/>	Copy to judge/magistrate judge.			
WAH courtroom deputy's initials		Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**DOCKETED**  
SEP 10 2002

BUILDERS ASSOCIATION OF GREATER CHICAGO,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 96 C 1122
	)	
CITY OF CHICAGO, a municipal corporation,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

Defendant moves for leave to amend responses to certain requests for admissions. That motion is granted, but with a caveat.


The original responses in or about October, 1996, admitted that defendant was then unaware of any active or passive discrimination by the City during various time frames in the requests, nor had it developed certain information relating to the or WBEs. It now seeks to amend its responses so as to deny that it presently is unaware of any active or passive discrimination by the City during the various time frames in the requests and to indicate that an expert's report has developed information relating to MBEs and WBEs.

It is no secret that the City substantially reassessed its position following the demise of the Cook County ordinance and went actively looking for evidence of discrimination. The plaintiff is well aware what that claimed evidence is and, with the possible exception of the expert report, has had a full opportunity to test it through discovery. This dispute is, essentially, an offshoot of a dispute over whether post-enactment information can be used to justify the ordinance. While the merits of that matter have often been argued, to some extent,

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or alluded to in various submissions, the matter has never been directly presented for resolution. Perhaps the time has come to do so, and perhaps it can best be presented by a motion *in limine* filed by the plaintiff. For now, however, the original answers stand as truthful answers in 1996 to the requests to admit. Plaintiff is entitled to rely upon those answers as reflecting defendant's then information. The amended answers are accepted as defendant's claim of what it has since learned.

Sept. 9, 2002.

  
JAMES B. MORAN  
Senior Judge, U. S. District Court